

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID WILSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-05-1292-F
)	
PAUL GALYON,)	
)	
Defendant.)	

ORDER

Before the court is “The City Rescue Mission’s Motion to Quash Subpoena [and] Request for Expedited Hearing,” filed December 21, 2005. (Doc. no. 19.) Plaintiff has not responded to the motion; however, the court has reviewed the motion and finds that no response is necessary.

The subpoena in question is issued to “Glenn Cranfield, City Rescue Mission, 800 W. California, 73106.” The subpoena appears to command Mr. Cranfield’s appearance at a post office box address for the taking of a deposition at that post office box address. It also appears to require Mr. Cranfield to produce documents, but it states no place for the production of documents. (Mr. Cranfield’s motion states that he is the chief executive officer of the City Rescue Mission and that CRM has examined its records and has no record of plaintiff.) In light of these deficiencies, the City Rescue Mission argues that the subpoena should be quashed because it fails to comply with the requirements of Fed. R. Civ. P. 45(a)(1)(C).

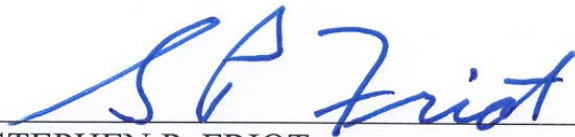
Rule 45 requires that “Every subpoena shall ... command each person to whom it is directed to attend and give testimony or to produce ...documents...at a time and place therein specified.” The only “place” specified in the subpoena is a post office box address. A post office box is not a physical “place” in the sense of Rule 45; a post

office box is an address created by the United States Post Office which designates a small box in a post office for the sole purpose of delivering and receiving mail which is delivered through the United States Postal Service.

The court agrees that the subpoena is defective and that it should be quashed for failure to meet the requirements of Rule 45. This determination makes it unnecessary to consider the movant's other grounds for relief.

After careful consideration of the motion, the record, and the relevant authorities, "The City Rescue Mission's Motion to Quash Subpoena [and] Request for Expedited Hearing" is **GRANTED**.

Dated this 22nd day of December, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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